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JUN 21 2013

RECEIVED
KEVIN N. FOX, ESQ.
U.S. MAGISTRATE JUDGE

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MOTION ENDORSED

June 21, 2013

BY FACSIMILE

Hon. Kevin N. Fox
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Kaplan v. S.A.C. Capital Advisors, L.P.*, No. 12 Civ. 9350 (VM) (KNF) (Kaplan)

Dear Judge Fox:

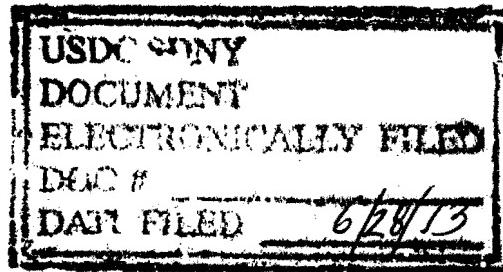
We, together with Pomerantz Grossman Hufford Dahlstrom & Gross LLP, are Co-Lead Counsel for the *Kaplan* Plaintiffs in the above-referenced action, which was referred to Your Honor for general pretrial purposes by Order of Reference dated June 18, 2013 [ECF No. 67].

We write to request expedited consideration of Plaintiffs' application for relief from the discovery stay imposed by the Private Securities Litigation Reform Act of 1995 (the "PSLRA"), which was separately referred to Your Honor by endorsed Order dated June 18, 2013 [ECF No. 68], a copy of which is enclosed.

As explained in the enclosed letter, Plaintiffs seek Defendants' trading records, as well as production of documents produced to Defendants by the government in related proceedings. On May 24, 2013, Judge Marrero directed new PSLRA notice in light of the expanded class period set forth in Plaintiffs' Consolidated Complaint. Lead plaintiff motions are now due on July 23, 2013. As explained in the enclosed letter, the trading records are necessary for the Court to determine which lead plaintiff movant has the largest financial interest in the action, as directed by the PSLRA. Without the trading records, Plaintiffs will also be prejudiced in identifying the most qualified prospective lead plaintiffs from among the over 40 investors who have contacted them to serve as representatives of the Class.

Defendants have advised us that they do not believe Plaintiffs are entitled to the relief requested due to the automatic stay of discovery under the PSLRA.

Because this is not a motion within the scope of Local Civil Rule 37.2, we assume that the Court does not require a pre-motion conference.



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The parties have conferred and have agreed on the following proposed briefing schedule:

Motion filed – June 24, 2013
Opposition briefs – July 1, 2013
Reply brief – July 3, 2013

Because lead plaintiff motions are due July 23, 2013, Plaintiffs would, as a practical matter, need to obtain the trading records by July 17 to analyze them, evaluate investors' claims in light thereof, and communicate with investors and obtain the required consents. Defendants have advised that they would require "a few days" to prepare the requested records should they be directed to produce them. We therefore respectfully request that the Court give expedited consideration to Plaintiffs' motion as it relates to production of Defendants' trading records.

All parties are available at the convenience of the Court, and we thank the Court for its consideration of this application.

Respectfully submitted,

Ethan Wohl /ssw

Ethan D. Wohl

Encl.

cc: All Counsel of Record (via email)

6/28/13
The above-noted schedule
will govern the parties' motion practice.
SO ORDERED:
(Kevin Nathaniel Fox)
KEVIN NATHANIEL FOX, U.S.M.J.